

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE MERRILL LYNCH & CO., INC.
SECURITIES, DERIVATIVE AND ERISA
LITIGATION

Master File No.:
07cv9633 (LBS)(AJP)(DFE)

This Document Relates To:
Securities Action, 07cv9633 (LBS)(AJP)(DFE)

ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE THAT, upon the Consolidated Amended Class Action Complaint dated May 21, 2008 (the “Complaint”); the accompanying Memorandum of Law In Support of Defendant Deloitte & Touche LLP’s Motion to Dismiss the Consolidated Amended Class Action Complaint; the accompanying Declaration of Charles E. Davidow dated July 21, 2008 and exhibits thereto; and all other papers and proceedings herein, defendant Deloitte & Touche LLP will move this Court, before the Honorable Leonard B. Sand, United States District Judge for the Southern District of New York, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 15A, New York, New York 10007, at a date and time to be determined by the Court, for an Order, pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure, dismissing Plaintiffs’ Complaint, with prejudice. The basis for the motion is set forth in the accompanying Memorandum of Law.

Dated: New York, New York
July 21, 2008

PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP

By: /s/ Brad S. Karp

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